

ORDINANCE NO. 49-043

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE IMPROVEMENT OF THE INTERSECTION OF PAWNEE STREET AND BROADWAY AVENUE IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for the development of infrastructure associated with the improvement of the intersection of Pawnee Street and Broadway Avenue in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

That part of Lots 2 and 4 on Lawrence Avenue, now Broadway Avenue, Hilbish and Hettinger's Addition to Wichita, Kansas, described as follows: Beginning at the northwest corner of said Lot 2, said northwest corner also being the northwest corner of that part of said Lot 2 described and conveyed in General Warranty Deed, (Deed Book 1442, Page 391), Quit Claim Deed, (Deed Book 1443, Page 120), and Quit Claim Deed, (Deed Book 1443, Page 122), (all hereafter referred to as "Deeds"); thence southeasterly along the westerly portion of the north line of said "Deeds", 23.73 feet to a deflection corner in the north line of said "Deeds", said deflection corner being described as 12.00 feet north and 20.00 feet east of the southwest corner of said Lot 2; thence easterly along the easterly portion of the north line of said "Deeds", (the easterly portion of the north line of said "Deeds" being described as 12.00 feet north of and parallel with the south line of said Lot 2), 10.00 feet; thence northwesterly, 42.18 feet to a point on the west line of said Lot 4, said point being 17.00 feet north of the point of beginning; thence southerly along the west line of said Lot 4, 17.00 feet to the point of beginning and

That part of the Southeast Quarter of Section 32, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the southeast corner of said Southeast Quarter; thence northerly along the east line of said Southeast Quarter, 40.00 feet; thence westerly parallel with the south line of said Southeast Quarter, 50.00 feet to the intersection of the west right-of-way line of Broadway Ave. with the north right-of-way line of Pawnee Ave., as condemned in District Court Case No. A-7533, and

for a point of beginning; thence westerly along the north right-of-way line of said Pawnee Ave., (as condemned in District Court Case No. A-7533), 30.00 feet; thence northeasterly, 42.70 feet to a point on the west right-of-way line of said Broadway Ave., (as condemned in District Court Case No. A-7533), said point also being 30.00 feet north of the point of beginning; thence southerly along the west right-of-way line of said Broadway Ave., (as condemned in District Court Case No. A-7533), 30.00 feet to the point of beginning.

Temporary construction easements for driveway, drainage and road construction in and to the following-described tracts, to-wit:

That part of Lots 6 and 8, on Lawrence Avenue, now Broadway Avenue, Hilbish and Hettinger's Addition to Wichita, Kansas, described as follows: Commencing at the southwest corner of said Lot 6; thence northerly along the west line of said Lot 6, 4.23 feet for a point of beginning; thence continuing northerly along the west line of said Lots 6 and 8, 45.77 feet to the northwest corner of said Lot 8; thence easterly along the north line of said Lot 8, 10.00 feet; thence southerly parallel with the west line of said Lots 8 and 6, 35.88 feet; thence southwesterly with a deflection angle to the right of $44^{\circ}58'10''$, 14.15 feet to the point of beginning and

That part of Lots 2 and 4 on Lawrence Avenue, now Broadway Avenue, Hilbish and Hettinger's Addition to Wichita, Kansas, described as follows: Commencing at the northwest corner of said Lot 2, said northwest corner also being the northwest corner of that part of said Lot 2 described and conveyed in General Warranty Deed, (Deed Book 1442, Page 391), Quit Claim Deed, (Deed Book 1443, Page 120), and Quit Claim Deed, (Deed Book 1443, Page 122), (all hereafter referred to as "Deeds"); thence southeasterly along the westerly portion of the north line of said "Deeds", 23.73 feet to a deflection corner in the north line of said "Deeds", said deflection corner being described as 12.00 feet north and 20.00 feet east of the southwest corner of said Lot 2; thence easterly along the easterly portion of the north line of said "Deeds", (the easterly portion of the north line of said "Deeds" being described as 12.00 feet north of and parallel with the south line of said Lot 2) 48.26 feet for a point of beginning; thence continuing easterly along the easterly portion of the north line of said "Deeds", 59.98 feet; thence northwesterly with a deflection angle to the left of $134^{\circ}58'00''$, 28.27 feet to a point 20.00 feet normally distant north of the easterly portion of the north line of said "Deeds"; thence westerly parallel with the easterly portion of the north line of said "Deeds", 20.00 feet; thence southwesterly with a deflection angle to the left of $45^{\circ}00'00''$, 28.28 feet to the point of beginning and

That part of Lots 18, 20, and 22 on Lawrence Avenue, now Broadway Avenue, Hilbish and Hettinger's Addition to Wichita, Kansas described as follows: Commencing at the southwest corner of said Lot 18; thence northerly along the west line of said Lot 18, 24.33 feet for a point of beginning; thence continuing northerly along the west line of said Lots 18, 20, and 22, 50.67 feet to the northwest corner of said Lot 22; thence easterly along the north line of said Lot 22, 0.33 feet; thence southeasterly with a deflection angle to the right of $45^{\circ}39'12''$, 13.67 feet to a point 10.00 feet normally distant east of the west line of said Lot 22; thence southerly parallel with the west line of said Lots 22 and 20, 31.01 feet; thence southwesterly with a deflection angle to the right of $45^{\circ}00'00''$, 14.14 feet to the point of beginning and

That part of Lots 10, 12, and 14, on Lawrence Avenue, now Broadway Avenue, Hilbish and Hettinger's Addition to Wichita, Kansas described as follows: Beginning at the southwest corner of said Lot 10; thence northerly along the west line of said Lots 10, 12, and 14, 53.32 feet; thence southeasterly with a deflection angle to the right of $134^{\circ}58'10''$, 14.13 feet to a point 10.00 feet normally distant east of the west line of said Lot 12; thence southerly parallel with the west line of said Lots 12 and 10, 43.21 feet to a point on the south line of said Lot 10; thence westerly along the south line of said Lot 10, 10.00 feet to the point of beginning and

That part of the Southeast Quarter of Section 32, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the

southeast corner of said Southeast Quarter; thence westerly along the south line of said Southeast Quarter, 131.83 feet; thence northerly perpendicular to the south line of said Southeast Quarter, 40.00 feet to a point on the north right-of-way line of Pawnee Ave., and for a point of beginning; thence westerly along said north right-of-way line, 57.66 feet to the southeast corner of the alley as dedicated east of and abutting the east line of Block 3, Sunset Gardens Addition to Wichita, Kansas; thence northerly along the east line of said alley, 2.24 feet; thence northeasterly with a deflection angle to the right of $43^{\circ}39'01''$, 17.84 feet to a point 15.00 feet normally distant north of said north right-of-way line; thence easterly parallel with said north right-of-way line, 30.09 feet; thence southeasterly with a deflection angle to the right of $44^{\circ}44'55''$, 21.21 feet to the point of beginning and

That part of the Southeast Quarter of Section 32, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the southeast corner of said Southeast Quarter; thence northerly along the east line of said Southeast Quarter, 141.02 feet; thence westerly perpendicular to the east line of said Southeast Quarter, 50.00 feet to a point on the west right-of-way line of Broadway Avenue, and for a point of beginning; thence northerly along said west right-of-way line, 41.00 feet; thence southwesterly with a deflection angle to the left of $135^{\circ}00'00''$, 7.07 feet to a point 5.00 feet normally distant west of said west right-of-way line; thence southerly parallel with said west right-of-way line 31.00 feet; thence southeasterly with a deflection angle to the left of $45^{\circ}00'00''$, 7.07 feet to the point of beginning and

That part of the Southeast Quarter of Section 32, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the southeast corner of said Southeast Quarter, 269.93 feet; thence westerly perpendicular to the east line of said Southeast Quarter, 50.00 feet to a point on the west right-of-way line of Broadway Avenue, and for a point of beginning; thence northerly along said west right-of-way line, 51.00 feet; thence southwesterly with a deflection angle to the left of $135^{\circ}00'00''$, 14.14 feet to a point 10.00 feet normally distant west of said west right-of-way line; thence southerly parallel with said west right-of-way line, 31.00 feet; thence southeasterly with a deflection angle to the left of $45^{\circ}00'00''$, 14.14 feet to the point of beginning and

That part of the Southeast Quarter of Section 32, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the southeast corner of said Southeast Quarter; thence northerly along the east line of said Southeast Quarter, 344.57 feet; thence westerly perpendicular to the east line of said Southeast Quarter, 50.00 feet to a point on the west right-of-way line of Broadway Avenue, and for a point of beginning; thence northerly along said west right-of-way line, 41.00 feet; thence southwesterly with a deflection angle to the left of $135^{\circ}00'00''$, 7.07 feet to a point 5.00 feet normally distant west of said west right-of-way line; thence southerly parallel with said west right-of-way line 31.00 feet; thence southeasterly with a deflection angle to the left of $45^{\circ}00'00''$, 7.07 feet to the point of beginning.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita.

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 26th day of, July 2011.

CITY OF WICHITA:

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law